the federal HLW program require the preparation of a PEIS, with project-specific EISs for related program elements tiered to the PEIS. The HLW program is simply too massive in scope and overwhelming in complexity for DOE to attempt to use a single EIS as the vehicle for assessing impacts and making programmatic decisions. By preparing a narrowly focused, non-programmatic EIS such as the Draft released for comment (and then indicating that it will be the basis for some program decisions and not for others), DOE is circumventing the intent of the National Environmental Policy Act."

GENERAL COMMENTS

1. The State of Nevada is especially concerned that this Supplement fails to address the major inadequacies that were identified in comments on the DEIS made by the State, local governments, citizens, and others. These deficiencies in the DEIS include, among other things, a fundamentally inadequate assessment of the impacts associated with the transportation of spent nuclear fuel and high-level radioactive waste, both nationally and in Nevada; a complete absence of any sort of meaningful evaluation of socioeconomic impacts of the Yucca Mountain program, in Nevada and in communities along transportation routes; an incomplete and inadequate treatment of cumulative impacts associated with the program; a substantively and statutorily deficient evaluation of the "No Action" alternative; and numerous other flaws and insufficiencies.

   In the State of Nevada's comments on the DEIS of February, 2000, we noted that the impacts associated with the proposed high-level radioactive waste repository at Yucca Mountain, thousands of miles distant from the majority of U.S. nuclear power reactors, will affect the State of Nevada as well as at least 42 other states, hundreds of cities, and thousands of communities located along highways and rail lines that would be used for waste transportation. The program that DOE's NEPA analysis must address is unprecedented for a federal project in its scope, time frame, and the geographical area it encompasses. It is also unique in that the EIS must assess not only the more traditional effects of a large and complex project - impacts to the environment, to public health and safety, to area populations, and to state and local economies - but the EIS must also address those impacts that derive from the highly controversial nature of this activity and the fact that the program involves the handling, movement, storage, and disposal of extremely hazardous nuclear materials. It is the nuclear nature of this undertaking that makes it different from more traditional federal projects and requires an EIS that fully examines a broader range of impacts (including those related to risk, risk perception, and stigma) in Nevada as well as in states and communities through which spent nuclear fuel and HLW must pass en route to a Yucca Mountain repository.

   The Draft EIS failed to undertake this type and level of analysis, and the Supplement does nothing to redress the deficiencies. DOE's continuing "head-in-the-sand" approach to these critical and overreaching issues is made even more offensive to the letter and spirit of NEPA by the Supplement's resounding silence with respect to these impacts.

uncertainty in the knowledge of the subsurface environment in which these metals are asserted to be "extremely corrosion resistant."

Page 2-28 - Section 2.3.6 - Repository Closure

Because of the possible large number of ventilation shafts (7 to 17) intersecting the repository, the Supplement should provide information on the current state of technology for sealing these shafts in a manner that will not result in creating conditions adverse to long-term repository performance. Ineffective shaft seals could have performance consequences of greater magnitude than inadvertent human intrusion.

Page 3-4 -Section 3.1.2.1 - Radiological Air Quality

There is no basis to calculate radon beginning 20 km from the repository, the proposed boundary of the accessible environment for the repository, since the source of the radon is not the radioactive waste to which repository disposal performance regulations are intended to apply. The public exposure should be calculated at points nearest the source, outside the restricted operations area, since members of the public will frequent these areas and be exposed to the released radon.

Page 3-6 - Section 3.1.3.1 - Waste Use

The Supplement should acknowledge, in this section, and in Section 2.3.2.4.5 - Water Supply, that the assumption that groundwater will be appropriated by the Nevada State Engineer for use at the repository is currently not valid. The State Engineer has ruled that use of the waters of the State for a nuclear waste repository is not in the public interest. This is the operative situation unless it is overturned on appeal. Alternative sources of water, and the associated impacts should be identified and evaluated in the Supplement.

Page 3-16 - Section 3.1.14 - Transportation

The Supplement states that there will be no transportation impacts resulting from the shipment of spent fuel and high-level waste as a result of the options discussed in the Supplement. This is almost certainly not the case. Based on our analysis of the Supplement, any proposal for fuel blending to achieve an elevated repository temperature will require shipments of younger, hotter spent fuel during the early years of repository operation (as opposed to the average 26-year cooled fuel assumed in the DEIS) and will very likely result in heavy, if not total, reliance on truck transportation during the first 10 years of operation.

The Supplement should have evaluated the impacts associated with spent fuel shipments needed to support the fuel blending operation, as these impacts are manifest both in Nevada and nationally in states and communities affected by Yucca Mountain-related nuclear materials transportation.